IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 13718 of 2005

Between:

Erra Nageswara Rao, s/o Mallaiah,
Mehabubabad, Warangal District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep., by its Secretary,
Panchayatraj Department, Secretariat, Hyderabad.
2 The Deputy Executive Engineer, Panchayatraj Sub-Division, Maripeda,
Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order, orders or direction more particularly in the nature of writ of mandamus declaring the action of the respondents collecting Seigniorage fees at higher rates than prevailing rates during the year 2003-2004 at the time of payment of bills executed the works before the respondent authorities, consequently direct the respondent not to collect Seigniorage fees at the higher rates i.e., higher than the prevailed rates during the year 2003-2004.

Counsel for the Petitioner: MR.KOONA REDDY ANJI REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court made the following :

ORDER:

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The Writ Petition is filed seeking a Writ of Mandamus to declare action of the respondents in demanding Seigniorage fees at higher rates than prevailing during the year 2003-2004 and consequently direct the respondents not to collect the same at such higher rates.

The case of the petitioner is that he is a registered contractor executing governmental contract works and he was allotted F/R/F M.Lacha land to T.Esthari land in Kandikonda MP: Kuravi work and an agreement was entered into on 02.04.2005 and he completed the work as per schedule. It is his further case that the respondents are insisting Seigniorage fee at higher rates than the rates prevailing in 2003-2004 without any basis or reason, which is illegal and arbitrary. Hence, the Writ Petition.

Though it is contended by the learned counsel for the petitioner that the petitioner executed the work as per the agreement, and the demanding of higher rates of Seigniorage fee is illegal, a copy of the agreement containing the terms and conditions for which the petitioner agreed to execute the contract work assigned to him, has not been filed before this Court for perusal. In the absence of a copy of the said agreement, the Writ Petition is not maintainable.

The Writ Petition is, accordingly, dismissed. No order as to costs.

28.06.2005

DRK

Copy to:

1 The Secretary, Panchayat Raj Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Deputy Executive Engineer, Panchayatraj Sub-Division, Maripeda, Warangal District.

3 Two CCs to the G.P. for Panchayat Raj and Rural Development, High Court of
A.P., High Court buildings, Hyderabad (o.u.t.).

4 Two CD copies.